

**REMARKS**

Claims 1-25 are pending in this application. Claims 1-3, 13-20 and 23-24 are amended herein. New claims 26-28 have been added.

Claims 1, 10, 16, 20, and 26 are independent.

Unless otherwise expressly indicated below, the claims are amended solely for clarification and to delete unnecessary limitations and not for purposes of patentability. Unless otherwise explicitly noted below, the amendments are not intended to be narrowing or to address the prior art rejections set forth in the subject Official Action.

The drawings are objected to as noted on Form PTO-948. Substitute informal drawings with the margins corrected and improved line quality are submitted herewith for purposes of examination. It is currently intended that formal drawings will be submitted after a Notice of Allowability has issued in this case.

Claims 1-15 and 19-25 stand rejected under 35 U.S.C. §103(a) as obvious over Kitchen et al. (U.S. Patent No. 6,289,322) in view of Official Notice taken by the Examiner. Claims 16-18 stand rejected under 35 U.S.C. §102(e) as anticipated by Kitchen. Independent claim 20 is amended to further distinguish over Kitchen. Except to the extent addressed by the amendment to claim 20, the rejections are respectfully traversed.

Independent claim 1 requires, *inter alia*, that a user's network station be operable to transmit, in real time, information relevant to an amount of an available bill and an instruction to pay the available bill. The Examiner has recognized, the relevant information could, for example, be a

meter reading, such as a reading from a water or electrical meter at a residence. A biller station is operable, in real time, to receive the transmitted information and to determine the amount of the available bill based upon the received information. Claim 1 further requires that a central network station be operable to receive the determined amount of the available bill and the transmitted pay instruction in real time and to direct payment of the determined amount of the available bill based upon the transmitted instruction to pay that bill.

The Examiner cites Kitchen in view of Official Notice in rejecting claim 1. It is first perhaps worthwhile to note that the Kitchen patent is owned by the Assignee of all rights in the present application.

The Examiner points to column 9, line 65, through column 10, line 5, of Kitchen as disclosing a biller network station operable, in real time, to receive the payor's transmitted instruction to pay the available bill.

However, the reference text in columns 9 and 10 describes implementations in which certain bill related information, such as the detailed bill presentation information is retained at the biller station. Nowhere does the reference text teach or suggest an implementation in which an instruction to pay is transmitted by the user station to the biller station.

The Examiner further relies on Kitchen's disclosure in column 6, lines 50-58, and column 8, lines 63-67, as disclosing a central station which is operable, in real time, to receive a determined amount of the available bill and the transmitted pay instruction.

However, the reference text in column 6 relates only to the transmission of billing information, which could include an amount of an available bill, from a biller station to a central

network station, such as the CF station 140. The reference text in column 8, relates to the receipt and processing of a payment instruction by a central network station such as the CF station 140. The central station directs a payment responsive to the received payment instruction. It is respectfully submitted that nothing in the reference text suggests that both the amount of the available bill determined by the biller and the pay instruction issued by the payor are received by the central network station in real time.

Rather, as indicated in column 7, line 52, through column 8, line 45, the billing information received by the CF station from the biller is stored and communicated to the applicable payor only after the payor requests the available billing related information. Thus, Kitchen fails to disclose an implementation in which both the determined amount of the available bill and the transmitted pay instruction are received by a central station in real time.

The Examiner acknowledges that Kitchen does not disclose a user network station transmitting information relevant to an amount of an available bill, such as a meter reading indicative of a quantity of product used, to a biller network station and the biller network station determining the amount of the available bill based upon the transmitted information. In this regard, the Examiner relies on the disclosure in column 9, line 65, through column 10, line 5, as teaching a communication link between the user network station and biller network station to transmit and receive bill related information.

However, as noted above, the reference text relates to the transmission of bill related information from the biller station to the user station. This disclosure lacks any suggestion that

the user could communicate information relevant to determining the amount of an available bill to the biller.

The Examiner contends, because it is well known for a biller to determine the amount of an available bill based upon receipt of relevant information from a payor, that it would have been obvious to utilize the communication link between the payor and biller as described by Kitchen to transmit information relevant to the amount of a bill from the payor station to the biller station.

However, it is respectfully submitted that nothing within Kitchen or conventional meter readings procedures would have suggested the proposed modification to Kitchen's described system. Rather, it is respectfully submitted that only through hindsight, based upon the disclosure in the subject application, would one find any motivation to modify the Kitchen system to include the features of the present invention as recited in claim 1.

More particularly, Kitchen recognized the benefit of having all or part of the bill information retained by a biller and accessed by a payor at the biller site, while maintaining and presenting bill availability information from a central site. This, for example, allows customers to conveniently determine what bills are available at a single site, while also allowing the biller to retain control of the bill information itself. Conventional meter reading procedures require the customer to provide a meter reading, typically responsive to a notice received directly from the biller, by telephone or by mail-in postcard. Once the relevant information has been received by the biller from the customer, the biller then prepares a bill and presents the bill either by mail or on the biller website to

the customer. Hence, in conventional meter reading, there are no communications with a central station.

The biller could, of course, subsequently present the bill to the customer via the system described by Kitchen. However, in such a case, as described by Kitchen, the bill or bill availability information would be provided by the biller to the central CF station, processed at the central station and stored. The bill information would be transmitted only after a subsequent request by the customer. Then, after a presentation of the bill by the central station or biller station (as applicable) responsive to the customer's request, would the central station receive a transmitted pay instruction.

Therefore, modifying Kitchen in view of conventional meter reading procedures would result in the user network station transmitting, in real time, information relevant to an amount of an available bill, to the biller but not an instruction to pay the available bill, to the central CF station or vice versa.

Accordingly, independent claim 1 and its dependencies distinguish over the applied prior art.

Other features recited in the claim 1 dependencies are believed to further and independently distinguish over the applied prior art. For example, claim 2 requires that the central station transmit availability information identifying the available bill. Also required is that the first user network station be operable to receive this transmitted bill availability information and to transmit a request for the available bill prior to transmitting the relevant information.

Independent claim 10 requires that the information relevant to the amount of an available bill be transmitted, that the amount be determined based upon the transmitted information and that an instruction to pay the determined amount all be

transmitted and received in real time. As discussed above, the applied art, whether taken individually or in combination lacks any suggestion of such real time communications.

Other features recited in the claim 10 dependencies are also believed to further and independently distinguish over the applied prior art. Such features include, for example, the real time transmission of bill availability information, of the request for an identified available bill, of the request for relevant information and that relevant information, of the determination of the amount of the available bill, of the receipt of the determined amount and of the transmission and receipt of an instruction to pay the determined amount. Also lacking is such a transmission of relevant information which includes a requested modification to a previously determined amount, all as required by claim 13.

Claim 14 requires that the available bill be identified in the transmitted bill availability information as requiring information relevant to the bill amount. It is respectfully submitted that the applied prior art lacks any teaching or suggestion of such a feature.

Independent claim 16 requires a processor configured to receive an amount of an available bill and an instruction to pay the available bill in real time. As has been previously discussed in detail, it is respectfully submitted that the applied prior art lacks any teaching or suggestion of such a processor. Furthermore, the processor is also configured to store the amount in the database in association with the bill availability information previously stored in the database. It is also respectfully submitted that the prior art fails to suggest a processor having such capability.

Other features recited in the claim 16 dependencies further distinguish over the applied prior art. For example, claim 17 requires that stored bill availability information be transmitted prior to receiving the communication of the bill amount and instruction to pay. As has been previously discussed, the prior art lacks any suggestion of such a communication.

Independent claim 20, as amended, requires the transmission of bill availability information identifying an available bill for a first user and the receipt, subsequent to the transmission of a communication of an amount of the identified available bill determined by the biller, of a communication of an instruction to pay the available bill. As has been previously discussed, the applied prior art fails to teach or suggest a notice of bill availability being transmitted prior to the receipt of the communication of the amount of the bill.

Other features recited in the claim 20 dependencies further distinguish over the applied art. For example, claim 24 requires that the transmitted bill availability information include an indication that the available bill requires information relevant to the amount of the available bill. As discussed previously, the applied prior art lacks any suggestion of such a feature.

New claims 26-28 recite the invention in a somewhat different manner.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number, in order to expedite resolution of any remaining issues and further to

expedite passage of the application to issue, if any further comments, questions or suggestions arise in connection with the application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 01-2135 and please credit any excess fees to such deposit account.

Respectfully Submitted,

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**APPENDIX TO RESPONSE TO OFFICIAL ACTION DATED APRIL 24, 2002**

**AMENDMENTS TO CLAIMS**

**(DELETIONS IN BRACKETS AND ADDITIONS UNDERLINED)**

1. (AMENDED) An electronic bill payment network, comprising:  
a plurality of user network stations associated with a  
plurality of different users, a first of the plurality of user  
network stations being associated with a first of the plurality  
of different users and operable to transmit, in real time,  
information relevant to an amount of an available bill and an  
instruction to pay the available bill;

a plurality of biller network stations associated with a  
plurality of different billers, a first of the plurality of  
biller network stations being associated with a first of the  
plurality of different billers and operable, in real time, to  
receive the transmitted information and to determine the amount  
of the available bill based upon the received information; and

a central network station operable[, in real time,] to  
receive the determined amount of the available bill and the  
transmitted pay instruction, in real time, and to direct payment  
of the determined amount of the available bill based upon the  
transmitted instruction to pay that available bill.

2. (AMENDED) A network according to claim 1, wherein:

the central network station is further operable to transmit  
bill availability information identifying [a plurality of  
available bills of the plurality of different billers for the  
plurality of different users, including] at least two [of the  
plurality of] available bills for the first user; and

the first user network station is further operable to receive the transmitted bill availability information, to select the available bill from the identified at least two available bills, and to transmit a request for the available bill based upon the selection prior to transmitting the relevant information.

3. (AMENDED) A network according to claim 2, wherein the bill availability information identifies the available [bills] bill without identifying an amount of [each of] the available [bills] bill.

13. (AMENDED) A method according to claim 10, further comprising the steps of:

transmitting, in real time, bill availability information identifying [a plurality of] the available bill [bills of a plurality of different billers], from the third network location;

[selecting, in real time, the available bill from the identified plurality of available bills;]

transmitting, in real time, a request for the identified available bill [based upon the selection]; and

transmitting, in real time, the available bill, including a previously determined amount of the available bill, responsive to the transmitted request for the available bill, from the second location;

wherein the relevant information includes a requested modification to the previously determined amount.

14. (AMENDED) A method according to claim 10, further comprising the steps of:

storing, in a database, bill availability information identifying [a plurality of] the available bill [bills of a plurality of different billers and those of the identified plurality of available bills which require information relevant to the amount of those available bills.];

transmitting[, in real time,] the stored bill availability information, from the third network location; [and]

[selecting, in real time, the available bill from the plurality of available bills identified in] receiving the transmitted bill availability information[,] at the first location;

wherein the available bill is [one of those of the plurality of available bills] identified in the received transmitted bill availability information as requiring information relevant to the bill amount.

15. (AMENDED) A method according to claim 14, further comprising the step of:

storing[, in real time,] the received amount in the database.

16. (AMENDED) A electronic bill payment system, comprising:

a database configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users;

a processor configured (i) to receive a real time network communication of an amount of one of the available bills identified in the stored bill availability information for a first of a plurality of different users from a first of the plurality of different billers and a real time network communication of an instruction to pay the one available bill

from the first user, (ii) to generate [transmit, in a real time network communication,] a directive to pay the amount of the one available bill based upon the received pay instruction, and (iii) to store the amount in the database in association with the bill availability information identifying the one available bill.

17. (AMENDED) A system according to claim 16, wherein:

the processor is further configured [to (i) receive a real time network communication requesting bills of the first user, (ii)] to transmit [a real time network communication of] the stored bill availability information identifying [available bills, including] the one available bill[,] for the first user, [and (iii) to receive a real time network communication indicative of the available bill having been requested from the first biller] prior to receiving the real time network communication of the amount and of the instruction to pay.

18. (AMENDED) A system according to claim 16, wherein:

the database is further configured to store the bill availability information so as to further identify those of the identified available bills which require information relevant to the amount of those bills; and

the one available bill is one of those of the plurality of available bills further identified as requiring relevant information.

19. (AMENDED) A system according to claim 16, wherein:

the database is further configured to store a previously received amount of the available bill[;] and the received amount

of the one available bill [is substituted for the previously received amount in the database].

20. (AMENDED) An article of manufacture for paying bills electronically, comprising:

a computer readable storage medium; and

computer programming stored on the medium and configured to be readable from the medium by a computer processor and thereby cause the processor to operate in real time so as to:

transmit, to a first of a plurality of different users, bill availability information identifying an available bill of a first of a plurality of different billers for the first user;

receive, subsequent to the transmission, a communication of an amount of [an] the available bill of [a] the first biller [of a plurality of different billers] for [a] the first user [of a plurality of different users] determined by the first biller;

receive a communication of an instruction of the first user to pay the available bill; and

generate a directive to pay the received amount of the available bill based upon the received pay instruction.

23. (AMENDED) An article of manufacture according to claim 20, wherein the computer programming is further configured to cause the processor to operate in real time so as to:

receive a communication requesting bills of the first user[;], with the [transmit] bill availability information [identifying available bills, including the available bill, for

the first user] being transmitted responsive to the received communication requesting bills[; and

receive a communication indicating receipt of a request for the available bill from the first biller].

24. (AMENDED) An article of manufacture according to claim [23] 20, wherein the transmitted bill availability information includes an indication that the available bill requires information relevant to the amount of the available bill.